

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BARBARA L. CORWIN, individually and on  
behalf of all others similarly situated,

Plaintiff,

Case Number 09-13897  
Honorable David M. Lawson

v.

LAWYERS TITLE INSURANCE CO., a.k.a.  
LANDAMERICA TRANSNATION TITLE  
INSURANCE CO.,

Defendant.

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**ORDER DENYING PLAINTIFF'S REQUEST FOR LEAVE TO RESPOND  
TO SUPPLEMENTAL AUTHORITY**

Presently before the Court is the plaintiff's request for leave to respond to the defendant's supplemental authority. The defendant filed a notice of supplemental authority on March 30, 2011 and the plaintiff filed a response thereto on April 7, 2011 and an amended response on April 8, 2011. The Court struck the plaintiff's amended response on April 14, 2011, noting that the plaintiff had not sought leave to respond to the supplemental authority, as required by the Local Rules for the Eastern District of Michigan.

A party may file a notice of supplemental authority when, between oral argument and the issuance of the Court's decision on a motion, a new case is decided or authority not previously available becomes available. *Cf.* Fed. R. App. P. 28(j). The Court generally accepts such notices. However, this situation differs from the situation where a party seeks to supplement the record with additional arguments or additional research. In such case, the Court may establish a supplemental briefing schedule. The plaintiff does not explain which type of filing she desires to make.

Therefore, the Court cannot determine how it should proceed and will deny the plaintiff's request. The Court also notes that the plaintiff already has filed a response to the defendant's notice of supplemental authority which remains part of the record in this case. Even if a response is allowed under the Federal Rules of Civil or Appellate Procedure, *see* Fed. R. App. P. 28(j), the plaintiff already has filed the sole permitted response. For these reasons, the Court will deny the plaintiff's request for leave.

Accordingly, it is **ORDERED** that the plaintiff's request for leave to file a response to the defendant's supplemental authority [dkt #61] is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: April 25, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 25, 2011.

s/Deborah R. Tofil  
DEBORAH R. TOFIL